



2015 Revisions to Regulations Governing Hazardous Substance Cleanup

Presentation Agenda



- HSCA Overview
- Regulation Process
- Revisions
- Questions

What is HSCA?



In 1990, Delaware enacted its Hazardous Substance Cleanup Act (HSCA) to deal with sites potentially contaminated with hazardous substance releases in the state that will not be addressed under the federal superfund program. Three major programs are administered under the HSCA. They are the Voluntary Cleanup Program (VCP), the Brownfield program, and the HSCA Enforcement program.



Regulation Process

- Public Workshops on Draft Regulations (February 11 & 12)
- Proposed Regulations published in State Registrar (April 1)
- Public Hearing (April 29 @ 6pm - R&R building)
- Hearing Officer's Report
- Secretary's Order
- Final Regulations published in State Registrar
- Promulgation of Regulations



Revisions

- New regulations for Conditional No Further Action determination
- Updates to the procedures for providing notice in land records
- Corrections of definitions
- Corrections of typographical errors



CNFA Determination

- Definition updated to state that a release does not pose a threat “above the site specific risk under current conditions.”
- The CNFA determination will list all of the conditions that have to be met in order to maintain the determination under current and future use scenarios and will be recorded in the property record.



Notice in Land Records

- New Section 8.1
- Notice shall be placed in the land record when a release is a threat to public health, welfare or the environment.
 - Remedy is necessary based on risk assessment
 - DNREC determines it is necessary to meet the intent of 7 Del. C. §9115(a)



Notice in Land Records

- Owner shall place notice in records of real property
 - Identify the facility
 - Identify the owner of the facility
 - State that a release occurred and the date of the occurrence
 - Record CNFA determination or EC, as necessary
- DNREC will revoke and rescind the notice when the property no longer poses a threat



Definition Updates

- Acceptable risk
- Cleanup level
- Conditional No Further Action
- Contaminant of concern
- Contaminant of potential concern
- Hazardous Substance
- HSCA Reporting Levels & HSCA Screening Levels
- Initial screening
- Long-term Stewardship
- Maximum Contaminant Level
- Remedy



Typographical Errors

- Definition of Brownfields Development Program
- Section 3.1.1 (of should be or)
- Section 3.2.1.2 (tow should be to)
- Replace “remedial activity” with remedy
- Corrected the name of the SOPCAP



Questions

- Tim Ratsep, Administrator
- Robert Newsome, Public Information Officer
- Christina Wirtz, Ombudsman

DNREC – Site Investigation & Restoration Section
391 Lukens Drive
New Castle, DE 19720
(302) 395-2600